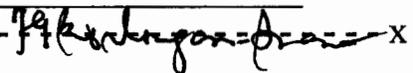


**G.R. No. 158464 – JOCELYN S. LIMKAICHONG, *Petitioner*, v. LAND BANK OF THE PHILIPPINES, DEPARTMENT OF AGRARIAN REFORM, REPRESENTED BY THE SECRETARY OF AGRARIAN REFORM, THROUGH THE PROVINCIAL AGRARIAN REFORM OFFICER, *Respondents*.**

Promulgated:

August 2, 2016

X -----  ----- X

**SEPARATE CONCURRING OPINION**

**JARDELEZA, J.:**

I concur with the *ponencia* of my esteemed colleague Associate Justice Lucas P. Bersamin who, with his lucidity of exposition and fealty to the due process tenet of prospective application of new doctrine, masterfully secured our unanimous vote today.

The *ponencia* reaffirms our unanimous *en banc* declaration in *Land Bank of the Philippines v. Martinez*<sup>1</sup> that:

[T]he agrarian reform adjudicator’s decision on land valuation **attains finality after the lapse of the 15-day period** stated in the DARAB Rules. The petition for the fixing of just compensation should therefore, following the law and settled jurisprudence, be filed with the SAC within the said period.

X X X

[W]hile a petition for the fixing of just compensation with the SAC is not an appeal from the agrarian reform adjudicator’s decision but an original action, **the same has to be filed within the 15-day period stated in the DARAB Rules; otherwise, the adjudicator’s decision will attain finality.**<sup>2</sup> (Citations omitted, emphasis supplied.)

In no uncertain terms, Justice Bersamin underscores that the Court made its declaration in *Martinez* “to purge any uncertainties brought upon by the conflicting jurisprudence on the matter”<sup>3</sup> and to “unanimously resolve[d] [a] jurisprudential conundrum.”<sup>4</sup> After today, there should be no more doubt about the “**preeminence** of the pronouncement x x x that the parties only have 15 days from their receipt of the decision/order of the DAR within

<sup>1</sup> G.R. No. 169008, July 31, 2008, 560 SCRA 776.

<sup>2</sup> *Ponencia*, pp. 11-12.

<sup>3</sup> *Id.* at 11.

<sup>4</sup> *Id.* at 13.



which to invoke the original and exclusive jurisdiction of the SAC; otherwise, the decision/order attains finality and immutability.”<sup>5</sup>

I write only to address the concurring opinions of Justice Presbitero J. Velasco and Justice Marvic M. V. F. Leonen.

## I

Article VIII, Section 1 of the 1987 Constitution<sup>6</sup> provides that “(j)udicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable.”

The right of a landowner to just compensation for the taking of his or her private property is a legally demandable and enforceable right guaranteed by no less than the Bill of Rights, under Section 9, Article III of the Constitution.<sup>7</sup> Thus, the determination of just compensation in cases of eminent domain is an actual controversy that calls for the exercise of judicial power by the courts. This is what the Court means when it said that “[t]he determination of ‘just compensation’ in eminent domain cases is a judicial function.”<sup>8</sup>

There is, however, no constitutional provision, policy, principle, value or jurisprudence that places the determination of *any* justiciable controversy beyond the reach of Congress’ constitutional power and prerogative to require, through a grant of primary jurisdiction, that *a* controversy be first referred to an expert administrative agency for adjudication, subject to subsequent judicial review.

The authority of Congress to create administrative agencies and grant them preliminary jurisdiction flows not only from the exercise of its plenary legislative power<sup>9</sup> but also from its constitutional power to apportion and diminish the jurisdiction of courts inferior to the Supreme Court.<sup>10</sup>

In *Tropical Homes, Inc. v. National Housing Authority*,<sup>11</sup> it has been settled that “[t]here is no question that a statute may vest exclusive original

<sup>5</sup> *Id.* at I2, emphasis supplied.

<sup>6</sup> Sec. 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

<sup>7</sup> This section provides: “Private property shall not be taken for public use without just compensation.”

<sup>8</sup> *Export Processing Zone Authority (EPZA) v. Dulay*, G.R. No. L-59603, April 29, 1987, 149 SCRA 305, 316.

<sup>9</sup> *Bank of Commerce v. Planters Development Bank*, G.R. Nos. 154470-71 & 154589-90, September 24, 2012, 681 SCRA 521.

<sup>10</sup> *Pambujan Sur United Mine Workers v. Samar Mining Co., Inc.*, 94 Phil. 932, 938 (1954). See also CONSTITUTION, Article VIII, Sec. 2.

<sup>11</sup> G.R. No. L-48672, July 31, 1987, 152 SCRA 540.



jurisdiction in an administrative agency over certain disputes and controversies falling within the agency's special expertise."<sup>12</sup> Rule 43 of the Revised Rules of Court, which provides for a uniform procedure for appeals from a long list of quasi-judicial agencies to the Court of Appeals, is a loud testament to the power of Congress to vest myriad agencies with the preliminary jurisdiction to resolve controversies within their particular areas of expertise and experience.

On June 10, 1988, Congress enacted Republic Act No. 6657<sup>13</sup> (RA 6657) to implement a comprehensive agrarian reform program. In sharp contrast to Presidential Decree No. 27<sup>14</sup> (PD 27), which covered only rice and corn lands, RA 6657 sought to cover *all* private and public agricultural lands. It is the Government's most ambitious land reform program ever, subjecting an estimated 7.8 million hectares of land for acquisition and redistribution to landless farmer and farmworker beneficiaries.<sup>15</sup>

With a project of such scale, the Congress decided to, among others, vest the DAR with primary jurisdiction to determine just compensation, subject, to final review by the courts. Thus, Section 16 of RA 6657 provides:

Section 16. *Procedure for Acquisition of Private Lands.*

– For purposes of acquisition of private lands, the following procedures shall be followed:

x x x

(d) In case of rejection or failure to reply, **the DAR shall conduct summary administrative proceedings to determine the compensation for the land** requiring the landowner, the LBP and other interested parties to submit evidence as to the just compensation for the land, within fifteen (15) days from the receipt of the notice. After the expiration of the above period, the matter is deemed submitted for decision. The DAR shall decide the case within thirty (30) days after it is submitted for decision. (Emphasis supplied.)

In case a party disagrees with the DAR's decision on the amount of compensation, Section 16 and related provisions allow him to bring the matter to the courts for final determination, as follows:

Section 16. *Procedure for Acquisition of Private Lands.*

– For purposes of acquisition of private lands, the following procedures shall be followed:

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<sup>12</sup> *Id.* at 548.

<sup>13</sup> Comprehensive Agrarian Reform Law of 1988.

<sup>14</sup> Decreeing The Emancipation Of Tenants From The Bondage Of The Soil, Transferring To Them The Ownership Of The Land They Till And Providing The Instruments And Mechanism Therefor (1972).

<sup>15</sup> Q and A on CARP <<http://www.dar.gov.ph/q-and-a-on-carp/english>> (Last accessed on August 5, 2016.)



x x x

**(f) Any party who disagrees with the [DAR's] decision may bring the matter to the court of proper jurisdiction for final determination of just compensation.**

x x x

Section 56. *Special Agrarian Court.* – The Supreme Court shall designate at least one (1) branch of the Regional Trial Court (RTC) within each province to act as a Special Agrarian Court. x x x

Section 57. *Special Jurisdiction.* – The Special Agrarian Courts shall have **original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners**, and the prosecution of all criminal offenses under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act. The Special Agrarian Courts shall decide all appropriate cases under their special jurisdiction within thirty (30) days from submission of the case for decision. (Emphasis supplied.)

Appeals from SAC decisions may thereafter be taken to the Court of Appeals (and later the Supreme Court) via a petition for review.<sup>16</sup>

The validity of the grant by Congress to the DAR of the primary jurisdiction to determine just compensation, under the summary administrative process in Section 16 of RA 6657, has been settled by this Court more than twenty-five (25) years ago in the landmark case of *Association of Small Landowners in the Philippines, Inc. v. Secretary of Agrarian Reform*.<sup>17</sup> There, this Court upheld the constitutionality of RA 6657 and, with specific reference to Section 16, declared:

**Objection is raised, however, to the manner of fixing the just compensation, which it is claimed is entrusted to the administrative authorities in violation of judicial prerogatives.** Specific reference is made to Section 16(d), which provides that in case of the rejection or disregard by the owner of the offer of the government to buy his land—

x x x the DAR shall conduct summary administrative proceedings to determine the compensation for the land by requiring the landowner, the LBP and other interested parties to

<sup>16</sup> RA 6657, Sec. 60. *Appeals.* – An appeal may be taken from the decision of the Special Agrarian Courts by filing a petition for review with the Court of Appeals within fifteen (15) days receipt of notice of the decision; otherwise, the decision shall become final. An appeal from the decision of the Court of Appeals, or from any order, ruling or decision of the DAR, as the case may be, shall be by a petition for review with the Supreme Court within a non-extendible period of fifteen (15) days from receipt of a copy of said decision.

<sup>17</sup> G.R. No. 78742, July 14, 1989, 175 SCRA 343.

submit evidence as to the just compensation for the land, within fifteen (15) days from the receipt of the notice. After the expiration of the above period, the matter is deemed submitted for decision. The DAR shall decide the case within thirty (30) days after it is submitted for decision.

**To be sure, the determination of just compensation is a function addressed to the courts of justice and may not be usurped by any other branch or official of the government. x x x**

x x x

**A reading of the aforecited Section 16(d) will readily show that it does not suffer from the arbitrariness that rendered the challenged decrees [in *EPZA v. Dulay*] constitutionally objectionable. Although the proceedings are described as summary, the landowner and other interested parties are nevertheless allowed an opportunity to submit evidence on the real value of the property. But more importantly, the determination of the just compensation by the DAR is not by any means final and conclusive upon the landowner or any other interested party, for Section 16(f) clearly provides:**

**Any party who disagrees with the decision may bring the matter to the court of proper jurisdiction for final determination of just compensation.**

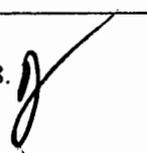
**The determination made by the DAR is only preliminary unless accepted by all parties concerned. Otherwise, the courts of justice will still have the right to review with finality the said determination in the exercise of what is admittedly a judicial function.<sup>18</sup>**  
(Emphasis and underscoring supplied).

At this point, it should be emphasized that Congress in RA 6657 provided for a *heightened* judicial review of the DAR's preliminary determination of just compensation pursuant to Section 16. In case of a proper challenge, SACs are actually empowered to conduct a *de novo* review of the DAR's decision. Under RA 6657, a full trial is held where SACs are authorized to (1) appoint one or more commissioners,<sup>19</sup> (2) receive, hear, and retake the testimony and evidence of the parties, and (3) make findings of fact anew. In other words, in exercising its **exclusive and original jurisdiction** to determine just compensation under RA 6657, the SAC is possessed with exactly the same powers and prerogatives of a Regional Trial Court (RTC) under Rule 67 of the Revised Rules of Court.

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<sup>18</sup> *Id.* at 380-382.

<sup>19</sup> RA 6657, Sec. 58.



In such manner, the SAC thus conducts a more *exacting* type of review, compared to the procedure provided either under Rule 43 of the Revised Rules of Court, which governs appeals from decisions of administrative agencies to the Court of Appeals, or under Book VII, Chapter 4, Section 25<sup>20</sup> of the Administrative Code of 1987,<sup>21</sup> which provides for a default administrative review process. In both cases, the reviewing court decides based on the record, and the agency's findings of fact are held to be binding when supported by substantial evidence.<sup>22</sup> The SAC, in contrast, retries the whole case, receives new evidence, and holds a full evidentiary hearing.

In this light, until and unless this Court's ruling in *Association of Small Landowners* is reversed, a becoming modesty and respectful courtesy towards a co-equal branch of government demand that the Court defer to the Congress' grant of primary jurisdiction to the DAR.

The grant of primary jurisdiction to administrative agencies over otherwise immediately justiciable controversies is constitutionally permissible because, as explained in the case of *Far East Conference v. United States*,<sup>23</sup> courts and agencies are both instrumentalities of justice, with complementary roles in the pursuit of similar ends:

[C]ourt and agency are not to be regarded as wholly independent and unrelated instrumentalities of justice, each

<sup>20</sup> This provision reads as follows:

Sec. 25. *Judicial Review.* –

- (1) Agency decisions shall be subject to judicial review in accordance with this chapter and applicable laws.
- (2) Any party aggrieved or adversely affected by an agency decision may seek judicial review.
- (3) The action for judicial review may be brought against the agency, or its officers, and all indispensable and necessary parties as defined in the Rules of Court.
- (4) Appeal from an agency decision shall be perfected by filing with the agency within fifteen (15) days from receipt of a copy thereof a notice of appeal, and with the reviewing court a petition for review of the order. Copies of the petition shall be served upon the agency and all parties of record. The petition shall contain a concise statement of the issues involved and the grounds relied upon for the review, and shall be accompanied with a true copy of the order appealed from, together with copies of such material portions of the records as are referred to therein and other supporting papers. The petition shall be under oath and shall show, by stating the specific material dates, that it was filed within the period fixed in this chapter.
- (5) The petition for review shall be perfected within fifteen (15) days from receipt of the final administrative decision. One (1) motion for reconsideration may be allowed. If the motion is denied, the movant shall perfect his appeal during the remaining period for appeal reckoned from receipt of the resolution of denial. If the decision is reversed on reconsideration, the appellant shall have fifteen (15) days from receipt of the resolution to perfect his appeal.
- (6) The review proceeding shall be filed in the court specified by statute or, in the absence thereof, in any court of competent jurisdiction in accordance with the provisions on venue of the Rules of Court.
- (7) Review shall be made on the basis of the record taken as a whole. The findings of fact of the agency when supported by substantial evidence shall be final except when specifically provided otherwise by law.

<sup>21</sup> Executive Order No. 292.

<sup>22</sup> See Section 25(7), Chapter 4, Book VII of the Administrative Code of 1987 and *NGEI Multi-Purpose Cooperative, Inc. v. Filipinas Palmoil Plantation, Inc.*, G.R. No. 184950, October 11, 2012, 684 SCRA 152, 163.

<sup>23</sup> *Far East Conference v. United States*, 342 U.S. 570 (1952).



acting in the performance of its prescribed statutory duty without regard to the appropriate function of the other in securing the plainly indicated objects of the statute. **Court and agency are the means adopted to attain the prescribed end, and, so far as their duties are defined by the words of the statute, those words should be construed so as to attain that end through coordinated action.** Neither body should repeat in this day the mistake made by the courts of law when equity was struggling for recognition as an ameliorating system of justice; neither can rightly be regarded by the other as an alien intruder, to be tolerated if must be, but never to be encouraged or aided by the other in the attainment of the common aim. (Citations omitted, emphasis supplied.)

## II

Justice Velasco, citing *Heirs of Lorenzo and Carmen Vidad v. Land Bank of the Philippines*,<sup>24</sup> opines that direct resort to the SAC is valid as the Court has never considered the issuance of a prior DAR valuation a jurisdictional requirement or condition precedent.<sup>25</sup>

Justice Leonen argues that the determination of the DAR is “superfluous,” being only “recommendatory to the courts.”<sup>26</sup> Since “nothing in the Constitution mandates the judiciary to follow recommendations coming from the executive,” he asserts that the DAR’s determination can even be disregarded by the courts.<sup>27</sup>

I disagree.

We read *Heirs of Lorenzo and Carmen Vidad v. Land Bank of the Philippines* differently. It held that the determination by DAR of the amount of just compensation becomes final if not elevated “on time” to SAC:

It must be emphasized that the taking of property under RA 6657 is an exercise of the State’s power of eminent domain. The valuation of property or determination of just compensation in eminent domain proceedings is essentially a judicial function which is vested with the courts and not with administrative agencies. When the parties cannot agree on the amount of just compensation, only the exercise of judicial power can settle the dispute with binding effect on the winning and losing parties. On the other hand, the determination of just compensation in the RARAD/DARAB requires the voluntary agreement of the parties. Unless the parties agree, there is no settlement of the dispute before the RARAD/DARAB, **except if the aggrieved party fails to file a petition for just**

<sup>24</sup> G.R. No. 166461, April 30, 2010, 619 SCRA 609.

<sup>25</sup> Dissenting Opinion of Justice Velasco, p. 7.

<sup>26</sup> Dissenting Opinion of Justice Leonen, pp. 1, 4.

<sup>27</sup> Dissenting Opinion of Justice Leonen, p. 4.

**compensation on time before the RTC.**<sup>28</sup> (Citations omitted, emphasis and underscoring supplied.)

Neither landowner nor agency can disregard the administrative process provided under RA 6657 without offending the constitutional prerogative of the Congress to grant primary jurisdiction to the DAR.

x x x [I]n cases raising issues of fact not within the conventional experience of judges or cases requiring the exercise of administrative discretion, agencies created by Congress for regulating the subject matter should not be passed over. This is so even though the facts after they have been appraised by specialized competence serve as a premise for legal consequences to be judicially defined. **Uniformity and consistency in the regulation of business entrusted to a particular agency are secured, and the limited functions of review by the judiciary are more rationally exercised, by preliminary resort for ascertaining and interpreting the circumstances underlying legal issues to agencies that are better equipped than courts by specialization, by insight gained through experience, and by more flexible procedure.**<sup>29</sup> (Emphasis supplied.)

The adjudication by the DAR on just compensation is not an executive recommendation or a superfluity to be blithely dismissed by the courts. They are, rather, quasi-judicial decisions reached as a result of what the Administrative Code of 1987 considers as a contested case, where “legal rights, duties or privileges asserted by specific parties as required by the Constitution or by law are x x x determined after hearing.”<sup>30</sup> These decisions become final and immutable if not timely challenged before the SAC. The SAC, in resolving such challenge, must dispose, affirm or reverse the administrative agency’s determination by way of a full decision, expressing “clearly and distinctly the facts and the law” on which the SAC decision is based.<sup>31</sup>

### III

The requirement for a fifteen-day period to file with the SAC is expressly provided for in RA 6657 and its validity foreclosed by our ruling in *Martinez*.

Justice Velasco is, however, of the view that there is no statutory basis for the imposition of a fifteen-day period and asserts that Section 11, Rule XIII of the 1994 Department of Agrarian Reform Adjudication Board

<sup>28</sup> G.R. No. 166461, April 30, 2010, 619 SCRA 609, 630.

<sup>29</sup> *Far East Conference v. United States*, *supra*.

<sup>30</sup> Sec. 2(5), Chapter I, Book VII of the Administrative Code of 1987.

<sup>31</sup> CONSTITUTION, Art. VIII, Sec. 14.



(DARAB) Rules of Procedure and Section 6, Rule XIX of the 2009 DARAB Rules of Procedure must be struck down as void and of no legal effect.<sup>32</sup>

Again, I disagree.

The fifteen-day period is provided for in Sections 51 and 54, in relation to Section 57, of RA 6657, which provides as follows:

Section 51. *Finality of Determination.* – Any case or controversy before it shall be decided within thirty (30) days after it is submitted for resolution. Only one (1) motion for reconsideration shall be allowed. **Any order, ruling or decision shall be final after the lapse of fifteen (15) days from receipt of a copy thereof.**

X X X

Section 54. *Certiorari.* – Any decision, order, award or ruling of the DAR on any agrarian dispute or on any matter pertaining to the application, implementation, enforcement, or interpretation of this Act and other pertinent laws on agrarian reform may be brought to the Court of Appeals by certiorari except as otherwise provided in this Act **within fifteen (15) days from the receipt** of a copy thereof. The findings of fact of the DAR shall be final and conclusive if based on substantial evidence.

X X X

Section 57. *Special Jurisdiction.* – The Special Agrarian Courts shall have original and exclusive jurisdiction over all petitions for the determination of just compensation to landowners, and the prosecution of all criminal offenses under this Act. The Rules of Court shall apply to all proceedings before the Special Agrarian Courts, unless modified by this Act. The Special Agrarian Courts shall decide all appropriate cases under their special jurisdiction within thirty (30) days from submission of the case for decision. (Emphasis supplied.)

While Section 51 expressly provides for the fifteen-day period, Section 54 states that any decision of the DAR on any agrarian dispute or matter pertaining to the implementation of the Act (including, perforce, determination of just compensation) may be brought to the Court of Appeals within fifteen (15) days from receipt of a copy of the DAR decision, “except as otherwise provided in the Act.” The proviso refers to the exception provided under Section 57, namely, the special jurisdiction of the SAC to determine just compensation. On top of Section 51, Sections 54 and 57, read together, provide that decisions of the DAR become final within fifteen (15) days from receipt of the decision, unless brought to the Court of Appeals under Section 54, or to the SAC under Section 57.

<sup>32</sup> Dissenting Opinion of Justice Velasco, p. 10.

Even assuming *arguendo* Justice Velasco is correct in stating that RA 6657 does not provide for the fifteen-day period, the constitutional and statutory authority of the DAR to promulgate its own rules of procedure is not in issue in this case. Neither is the validity of the DARAB Rules of Procedure. The DARAB Rules of Procedure were promulgated under authority of Sections 49 and 50 of RA 6657, which grant the DAR the power to “issue rules and regulations, whether substantive or procedural, to carry out”<sup>33</sup> RA 6657 and “adopt a uniform rule of procedure to achieve a just, expeditious and inexpensive determination for every action or proceeding before it.”<sup>34</sup>

This Court, in *Eastern Shipping Lines, Inc. v. Philippine Overseas Employment Authority*,<sup>35</sup> has recognized the power of administrative bodies to “fill in the details” to implement the policies laid down in a statute through supplementary regulation.

More, the Administrative Code of 1987 which provides for, among others, a default uniform procedure for the judicial review of decisions of administrative agencies, also provides that decisions of administrative agencies become final after fifteen (15) days from receipt of the agency order.<sup>36</sup> The Administrative Code of 1987 provides, in pertinent part:

Book VII  
Administrative Procedure

x x x

Chapter 3  
Adjudication

x x x

Section 14. *Decision.* – Every decision rendered by the agency in a contested case shall be in writing and shall state clearly and distinctly the facts and the law on which it is based. The agency shall decide each case within thirty (30) days following its submission. The parties shall be notified of the decision personally or by registered mail addressed to their counsel of record, if any, or to them.

Section 15. *Finality of Order.* – The decision of the agency shall become final and executory fifteen (15) days after the receipt of a copy thereof by the party adversely affected unless within that period an administrative appeal or judicial review, if proper, has been perfected. One motion for reconsideration may be filed, which shall suspend the running of the said period.

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<sup>33</sup> RA 6657, Sec. 49.

<sup>34</sup> RA 6657, Sec. 50.

<sup>35</sup> G.R. No. L-76633, October 18, 1988, 166 SCRA 533.

<sup>36</sup> Chapters 3 and 4, Book VII, Administrative Code of 1987



x x x

Chapter 4  
Administrative Appeal in Contested Cases

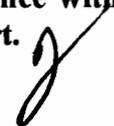
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Section 23. *Finality of Decision of Appellate Agency.* –  
In any contested case, the decision of the appellate agency shall become final and executory fifteen (15) days after the receipt by the parties of a copy thereof.

x x x

Section 25. *Judicial Review.* –

- (1) **Agency decisions shall be subject to judicial review in accordance with this chapter and applicable laws.**
- (2) Any party aggrieved or adversely affected by an agency decision may seek judicial review.
- (3) The action for judicial review may be brought against the agency, or its officers, and all indispensable and necessary parties as defined in the Rules of Court.
- (4) **Appeal from an agency decision shall be perfected by filing with the agency within fifteen (15) days from receipt of a copy thereof a notice of appeal, and with the reviewing court a petition for review of the order.** Copies of the petition shall be served upon the agency and all parties of record. The petition shall contain a concise statement of the issues involved and the grounds relied upon for the review, and shall be accompanied with a true copy of the order appealed from, together with copies of such material portions of the records as are referred to therein and other supporting papers. The petition shall be under oath and shall show, by stating the specific material dates, that it was filed within the period fixed in this chapter.
- (5) **The petition for review shall be perfected within fifteen (15) days from receipt of the final administrative decision. One (1) motion for reconsideration may be allowed. If the motion is denied, the movant shall perfect his appeal during the remaining period for appeal reckoned from receipt of the resolution of denial. If the decision is reversed on reconsideration, the appellant shall have fifteen (15) days from receipt of the resolution to perfect his appeal.**
- (6) **The review proceeding shall be filed in the court specified by statute or, in the absence thereof, in any court of competent jurisdiction in accordance with the provisions on venue of the Rules of Court.**



- (7) Review shall be made on the basis of the record taken as a whole. The findings of fact of the agency when supported by substantial evidence shall be final except when specifically provided otherwise by law. (Emphasis supplied.)

The Revised Rules of Court finally also provide, under Rule 43, Section 4, for a fifteen-day period of finality for agency action.<sup>37</sup>

#### IV

Justice Leonen suggests that the applicable time limit to bring the DAR decision to the SAC is the thirty (30) year prescriptive period over real actions provided under the Civil Code.<sup>38</sup>

I disagree.

A thirty-year period is unreasonable. It is oppressive to the landowner, to the DAR and the Land Bank of the Philippines (LBP) because it violates the Constitution's command that "[a]ll persons shall have the right to a *speedy* disposition of their cases before all judicial, quasi-judicial, or administrative bodies."<sup>39</sup> It also defeats the primordial objective of the Revised Rules of Court "of securing a just, *speedy* and inexpensive disposition of every action and proceeding."<sup>40</sup>

A thirty-year period will also impermissibly erode the "justness" of the just compensation inasmuch as just compensation requires that the payment be made **closest** to the taking:

**The concept of just compensation embraces not only the correct determination of the amount to be paid to the owners of the land, but also the payment of the land within a reasonable time from its taking. Without prompt payment, compensation cannot be considered "just" inasmuch as the property owner is being made to suffer the consequences of being immediately deprived of his land while being made to wait for a decade or more before actually receiving the amount necessary to cope with his loss.**<sup>41</sup> (Citations omitted, emphasis supplied.)

Finally, the constitutional guarantee of equal protection of the laws demands that a thirty-year period should be available to both the landowner

<sup>37</sup> Rule 43, Sec. 4. *Period of appeal.* – The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency *a quo*. x x x

<sup>38</sup> Dissenting Opinion of Justice Leonen, p. 4.

<sup>39</sup> CONSTITUTION, Art. III, Sec. 16.

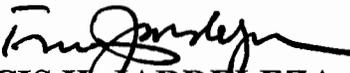
<sup>40</sup> RULES OF COURT, Rule 1, Sec. 6.

<sup>41</sup> *Apo Fruits Corporation v. Court of Appeals*, G.R. No. 164195, February 6, 2007, 514 SCRA 537, 557-558.

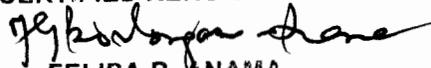
and the DAR/LBP. Under this regime, landowners would be tempted to speculate on receiving interest if they postpone the filing of the action to determine just compensation, thus, shifting the burden of the risk of inflation to the Government. This, in turn, will disturb the Government's budget process and consequently increase the cost to be incurred by the Government in implementing land reform. Conversely, unscrupulous DAR/LBP functionaries may be tempted to unduly delay appeal for corrupt reasons. This will leave a landowner uncertain, for the duration of the thirty-year period, as to the true value of his property, the very evil he is sought to be protected from by *Martinez*:

x x x This rule is not only in accord with law and settled jurisprudence but also with the principles of justice and equity. Verily, a belated petition before the SAC, e.g., one filed a month, or a year, or even a decade after the land valuation of the DAR adjudicator, must not leave the dispossessed landowner in a state of uncertainty as to the true value of his property.<sup>42</sup>

I vote to **GRANT** the petition.

  
**FRANCIS H. JARDELEZA**  
*Associate Justice*

CERTIFIED XEROX COPY:

  
**FELIPA B. ANAMA**  
CLERK OF COURT, EN BANC  
SUPREME COURT

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<sup>42</sup> *Supra* note 1 at 783.